

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1735.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: April 19, 2001
DATE OF REPORT: May 14, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 19, 2001

COMPLAINT ISSUES:

Whether the Valparaiso Community Schools and the Porter County Education Interlocal violated:

511 IAC 7-27-2(a) with regard to the school's alleged failure to schedule the case conference committee (CCC) meeting at a mutually agreed upon date and time.

511 IAC 7-27-2(d) and 511 IAC 7-17-3 with regard to the school's alleged failure to provide the parent with adequate written notice of the CCC meeting.

511 IAC 7-22-1(d) with regard to the school's alleged failure to include a copy of the notice of procedural safeguards with the notification of the CCC meeting.

FINDINGS OF FACT:

1. The student is sixteen years old, attends the tenth grade, and has been determined eligible for special education due to an emotional disability.
2. In a letter to the supervisor dated April 9, 2001, the parent requested a CCC meeting be scheduled to discuss the need for compensatory and extended school year services. The parent concluded her letter with the following statement: "Please contact me as soon as possible for tentative dates and times available." Page #21 of the student's IEP dated January 17, 2001, reflects that a CCC meeting will be reconvened in May. The supervisor reports on April 18, 2001, the student's teacher of record mailed to the parent a Case Conference Notification form advising her that the school was planning to convene a CCC meeting on May 14, 2001. The supervisor states the student's teacher of record included a copy of the four page form entitled "Notice of Procedural Safeguards" with the notification form. The parent states that she never received a Case Conference Notification form dated April 18th with a copy of the form entitled "Notice of Procedural Safeguards" in the mail from the school. The supervisor reports that she has no documentation to establish that the Case Conference Notification form and the form entitled "Notice of Procedural Safeguards" were mailed to the parent on April 18th. The supervisor reports that later in the day on April 18th she noticed that the student's teacher of record had neglected to check on the notification form the purpose for convening the CCC meeting. The supervisor then asked the teacher of record to fax an amended copy of the original notification form to the parent to reflect the purpose for convening the meeting. The director reports the parent has encouraged the school to use the parent's fax machine for communication purposes. The fax was sent on April 18th and did not contain a copy of the form entitled "Notice of Procedural Safeguards." The parent acknowledges that she received the April 18th fax from the school and that the fax did not contain a notice of procedural safeguards. On April

18th the parent faxed a letter to the supervisor informing her that she was not in agreement with the date selected to convene the CCC meeting. In a letter dated April 19, 2001, the supervisor informed the parent that the CCC meeting would be convened as scheduled, unless the school was notified that the parent could not possibly attend the meeting at the scheduled date and time, and advised the school of other dates that she would be available. On April 26, 2001, the parent supplied the school with dates and times she could meet with school personnel. One of the dates listed in the parent's response was May 14th, but the time that the parent could meet was different from that listed on the Case Conference Notification form faxed to the parent on April 18th. The parent and school arrived at a mutually agreeable date and time to convene the CCC meeting. A CCC meeting was scheduled for May 14, 2001, at 11:00 a.m. The school mailed written notice of the meeting to the parent on April 30, 2001. The director reports that the notice included a copy of the four page form entitled "Notice of Procedural Safeguards." The parent acknowledges receiving the April 30th Case Conference Notification form with a copy of the form entitled "Notice of Procedural Safeguards" attached.

3. The director provided the Division with copies of the three Case Conference Notification forms referenced in Finding of Fact #2. Except for the omission of specifying the purpose of the CCC meeting on one of the notification forms dated April 18th, all three forms contained the requirements specified in 511 IAC 7-27-2(d) and 511 IAC 7-17-3.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the school scheduled a CCC meeting with the parent at a mutually agreeable date and time. Therefore, no violation of 511 IAC 7-27-2(a) is found.
2. Findings of Fact #2 and #3 reflect that the school provided the parent with adequate written notice of the CCC meeting scheduled on May 14, 2001, at 11:30 a.m. Therefore, no violations of 511 IAC 7-27-2(d) and 511 IAC 7-17-3 are found.
3. Finding of Fact #2 indicates that the school failed to provide documentation that a copy of the notice of procedural safeguards was sent with the Case Conference Notification form mailed and faxed to the parent on April 18, 2001. Therefore, a violation of 511 IAC 7-22-1(d) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Valparaiso Community Schools and the Porter County Education Interlocal shall:

1. Send a memorandum to all appropriate personnel reminding them of the requirements specified in 511 IAC 7-22-1(d). Submit a copy of the memorandum to the Division no later than June 15, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.

DATE REPORT COMPLETED: May 14, 2001